

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CALVIN B. LYNCH

v.

**SUPERINTENDENT GARMAN and
PA STATE ATTORNEY GENERAL**

:
:
:
:
:
:

CIVIL ACTION

NO. 18-3998

ORDER

NOW, this 13th day of November, 2018, upon consideration of the Petition for Writ of *Habeas Corpus* (Document No. 1), the Report and Recommendation filed by United States Magistrate Judge Elizabeth T. Hey (Document No. 20), and no objections to the Report and Recommendation having been filed, and after a thorough and independent review of the record, it is **ORDERED** as follows:

1. The Report and Recommendation of Magistrate Judge Elizabeth T. Hey is **APPROVED AND ADOPTED**;

2. The present petition is construed as a challenge to the conviction for burglary, robbery, and theft by unlawful taking (CP-36-CR-0003224-2010).

3. The claims challenging the convictions for aggravated assault, possession of a controlled substance, unlawful restraint, recklessly endangering another person, and witness intimidation (CP-36-CR-0005345-2009 and CP-36-CR-0005350-2009) are **SEVERED** from the present petition.

4. The Clerk of Court shall open a separate and new section 2254 petition on the 2009 docket convictions identified in paragraph three, and shall duplicate file the petition (Document No. 7) on the newly opened docket.

5. Both petitions are referred to United States Magistrate Judge Elizabeth

T. Hey for a Report and Recommendation in each of the two cases.

6. There is no probable cause to issue a certificate of appealability.

/s/TIMOTHY J. SAVAGE